

Message Text

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PAGE 01 STATE 044490
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TO AMEMBASSY BRUSSELS PRIORITY

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E.O. 11652: N/A

TAGS: TPHY, OSCI, TBIO, BE

SUBJECT: U.S. LAWS RE ABORTIONS

REF.: BRUSSELS 02154

1. JULY 1, 1976, SUPREME COURT RULED THAT STATES MAY NOT CONSTITUTIONALLY REQUIRE A MARRIED WOMAN TO HAVE HER HUSBAND'S CONSENT FOR AN ABORTION NOR IMPOSE AN ABSOLUTE PARENTAL VETO OVER A MINOR DAUGHTER'S ABORTION. (PLANNED PARENTHOOD OF CENTRAL MISSOURI V. DANFORTH, ATTORNEY GENERAL OF MISSOURI, ETAL.)

2. JUNE 20, 1977, U.S. SUPREME COURT HELD THAT NEITHER FEDERAL LAW NOR THE CONSTITUTION REQUIRES THE STATES TO PAY MEDICAID (TITLE XIX OF SOCIAL SECURITY ACT) BENEFITS FOR NONTHERAPEUTIC ABORTIONS, AND STATES MAY USE PUBLIC FUNDS TO ENCOURAGE CHILDBIRTH OVER ABORTION. COURT ALSO UNCLASSIFIED

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PAGE 02 STATE 044490

HELD THAT PUBLIC HOSPITALS DO NOT HAVE TO PROVIDE NONTHERAPEUTIC ABORTION SERVICES.

3. P.L. 95-205, DECEMBER 9, 1977, CONTINUING APPROPRIATIONS, 1978, CONGRESS STIPULATED THAT FUNDS APPROPRIATED FOR THE DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE CANNOT BE PROVIDED FOR USE TO PERFORM ABORTIONS,

EXCEPT WHERE THE LIFE OF THE MOTHER WOULD BE ENDANGERED
IF THE FETUS WERE CARRIED TO TERM, OR EXCEPT FOR SUCH
MEDICAL PROCEDURES NECESSARY FOR THE VICTIMS OF RAPE OR
INCEST, WHEN SUCH RAPE OR INCEST HAS BEEN REPORTED
PROMPTLY TO A LAW ENFORCEMENT AGENCY OR PUBLIC HEALTH
SERVICE, OR EXCEPT IN THOSE INSTANCES WHERE SEVERE AND
LONG-LASTING PHYSICAL HEALTH DAMAGE TO THE MOTHER WOULD
RESULT IF THE PREGNANCY WERE CARRIED TO TERM WHEN SO
DETERMINED BY TWO PHYSICIANS. PAYMENTS ARE NOT PROHIBITED
FOR DRUGS OR DEVICES TO PREVENT IMPLANTATION OF THE FER-
TILIZED OVUM OR FOR MEDICAL PROCEDURES NECESSARY FOR THE
TERMINATION OF AN ECTOPIC PREGNANCY.

4. A CONSIDERABLE NUMBER OF BILLS HAVE BEEN INTRODUCED IN
CONGRESS WITH NO CHANGES RESULTING. VANCE

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